

8:38 am, Jan 11 2023

AT GREENBELT
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY JJ Deputy

KOH
PDK/JAR: USAO 2022R00589

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

DONALD FORTUNE, JR.,

Defendant

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CASE NO. 8:23-mj-00121-GLS

UNDER SEAL

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

Your affiant, Special Agent Terese E. Tessari with the Federal Bureau of Investigation, being duly sworn, deposes and states as follows:

Introduction and Background

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been since December 5, 2021. I have gone through extensive special agent training at the FBI academy to include how to conduct interviews, the identification and collection of certain evidence, and how to investigate crime. I have specialized training in topics pertaining to law, search and seizure, and criminal law. Prior to attending the FBI academy, I spent four years as a sworn police officer with Prince William County Police Department in Prince William County, Virginia. I also attended six months of training at the Prince William County Criminal Justice Academy. During my time as a law enforcement officer, I have made multiple arrests, investigated a multitude of crimes, and had investigations successfully prosecuted in court. In my capacity as a Special Agent of the FBI, I am authorized to obtain and serve federal search warrants and criminal complaints.

2. Through my training, education, and experience, I have become familiar with the manner in which illegal drugs are transported, stored, and distributed; the methods of payment for such drugs; the possession and use of firearms in connection with the trafficking of such drugs; and the manner in which narcotics traffickers store and conceal the proceeds of their illegal activities.

3. Based on my training, education, and experience, I know that persons involved in narcotics trafficking often use and retain firearms and other weapons as a means of facilitating their illegal narcotics activities. For example, persons involved in narcotics trafficking use firearms to protect themselves as well as to secure their cache of narcotics and the proceeds from their narcotics trafficking. Firearms are also used by narcotics traffickers for intimidation, and they are maintained in secure places, such as residences, stash houses, and vehicles. In addition, narcotics traffickers travel with their firearms when outside of their residences.

4. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of the requested criminal complaint and arrest warrant, I have not included every detail of every aspect of the investigation. I have not, however, excluded any information known to me that would defeat a determination of probable cause. The information contained in this affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with other law enforcement officers and other individuals. All conversations and statements described in this affidavit are related in substance and in part unless otherwise indicated.

Probable Cause

5. Based on my training and experience and the facts as set forth in this affidavit, I respectfully submit that there is probable cause to believe that on or about July 26, 2022, **Donald**

Fortune, Jr. (“**FORTUNE**”) violated 21 U.S.C. 841(a) (possession with intent to distribute a controlled substance) and 18 U.S.C. § 924(c) (possession of a firearm in furtherance of a drug trafficking crime).

Initial Investigation

6. During the month of April 2022, investigators with the Prince George’s County Police Department (“PGPD”) were made aware of firearms activity occurring at an apartment complex in District Heights, Maryland. During that investigation, detectives with PGPD’s Gang Unit were monitoring Instagram to investigate potential criminal activity. Investigators observed an Instagram account with the username “steppadon10g__”. Investigators recognized **FORTUNE** shown through the entirety of the account. Investigators observed a video posted to the “steppadon10g__” account storyline.¹ On the Instagram account with username “steppadon10g__” were storyline videos depicting **FORTUNE** in front of a building with the numbers 6707. A second video showed **FORTUNE** and an unknown individual sitting in what appears to be a residence. The second individual pictured was holding what appeared to be two firearms. Both firearms were black in color, one of which had a tan magazine that extends past the handgun grip. In the video, the individual holding the firearms kept his fingers off the triggers and outside the trigger guards, a common firearm handling practice to avoid accidental discharge. This led investigators to believe the firearms were operable and capable of expelling a projectile by means of explosion.

¹ Instagram stories are defined as, “a feature that lets users post photos and videos that vanish after 24 hours. And like Snapchat stories, the photos and videos shared in your Instagram story are ephemeral and can’t be viewed once 24 hours have elapsed.”

7. On April 24, 2022, investigators observed a live video had been streaming from the Instagram account “steppadon10g__”.² Investigators observed an individual recognized as **FORTUNE** holding what appeared to be a black firearm and a suspected hand-rolled marijuana cigarette, commonly referred to as a “joint.” The black firearm was recognized as an AR-15 pistol with an extended black magazine. **FORTUNE** was holding the firearm with one hand. **FORTUNE**’s finger was off the trigger and outside of the trigger guard, a common firearm handling practice to avoid accidental discharge.

8. On April 27, 2022, investigators were monitoring the Instagram account “steppadon10g__”. Investigators observed a photograph posted to “steppadon10g__”’s account storyline that depicted **FORTUNE** with what appeared to be a firearm and a large bag of a green leafy substance that investigators believed to be marijuana. In the picture, investigators recognized the handle of a black handgun and an extended black magazine. Your affiant knows that handguns are often held in a waistband of individuals for transporting on their person.

9. On May 2, 2022, investigators were monitoring the Instagram account “steppadon10g__”. Investigators observed a live video had been streaming from the Instagram account. Investigators observed an individual they recognized as **FORTUNE** holding what appeared to be a black firearm with an extended black magazine inserted in the magazine well. **FORTUNE** was holding the firearm with one hand. **FORTUNE**’s finger was off the trigger and outside of the trigger guard, a common firearm handling practice to avoid accidental discharge.

10. On May 7, 2022, Investigators were monitoring the Instagram account “steppadon10g__”. Investigators observed a live video had been streaming from the Instagram account. The live video showed an individual recognized as **FORTUNE** smoking a suspected

² A live video stream is described as, “a live broadcast that will disappear immediately once it’s over.”

marijuana cigarette and holding the handle of a tan handgun with a black slide, and a clear extended magazine inserted into the magazine well with visible brass/gold colored ammunition in the magazine. Investigators continued watching to watch the Instagram live video of **FORTUNE**, during which he displayed a black handgun with an extended black magazine inserted into the magazine well while still holding the previously mentioned tan handgun with the black slide and clear magazine. Furthermore, **FORTUNE** was observed holding what appeared to be a black handgun with an extended black magazine inserted into the magazine well in addition to two other black firearms. While handling the firearms, **FORTUNE** kept his hands and fingers clear of the trigger and trigger guards.

June 2, 2022 Arrest

11. On June 2, 2022, members of PGPD's Gang Unit were conducting surveillance at an apartment in Greenbelt, Maryland in anticipation of executing a court ordered search warrant aimed at targeting **FORTUNE**. At this time, **FORTUNE** was observed arriving at the location and entering the apartment building after being dropped off at the location. At approximately 11:10 pm, **FORTUNE** was observed exiting the apartment and approaching a silver Honda Civic. **FORTUNE** was observed to be in possession of a large bag of blue pills, which detectives recognized to be suspected Oxycodone pills. **FORTUNE** was observed engaging in a hand-to-hand transaction where he sold the driver of the vehicle suspected Oxycodone pills. After engaging in the narcotics transaction, **FORTUNE** placed the large bag of pills inside a Gucci satchel (which he had across his chest) and returned to the apartment building.

12. At approximately 12:45 am, officers observed **FORTUNE** accompanied by a woman exit the apartment building and walk to a nearby silver Honda CRV, which appeared to be an Uber. **FORTUNE** walked towards the vehicle, with his right hand inside the Gucci satchel

across his chest, and he visually scanned the parking lot. Officers recognized this behavior as being consistent with that of an individual concealing a firearm inside of the satchel. **FORTUNE** and the woman were observed entering the Honda CRV and **FORTUNE** was seated on the rear driver's side. The vehicle drove away from the location and a traffic stop was conducted a short distance away at the intersection of Kenilworth Avenue and Greenbelt Road, Greenbelt, Maryland after the Uber was observed crossing solid white lines while merging into traffic and did so without signaling. When the vehicle was stopped, detectives contacted **FORTUNE** and due to the recently observed narcotics activity and the circumstances of the ongoing investigation, **FORTUNE** was ordered from the vehicle and placed in handcuffs. Detectives then looked on the floorboard in front of the seat where **FORTUNE** was seated and observed a handgun sticking out from the rear of the driver's seat.

13. The gun was a Glock 27 .40 caliber, loaded with one round in the chamber and twenty-one rounds in the extended magazine, and equipped with a full auto selector switch on the rear of the handgun slide. Your affiant knows through his training and experience that full auto selector switches are applied to handguns to turn them into fully automatic weapons.

14. A search of **FORTUNE**'s Gucci satchel which was across his chest revealed a large bag of blue 30mg marked pills, totaling 282 pills, suspected to be Oxycodone. **FORTUNE** was arrested and charged in the Prince George's County District Court, but subsequently released pending trial.

15. Shortly after **FORTUNE**'s release pending trial, law enforcement began to monitor the Instagram account with username “_10GDAMOB.” PGPD detectives believe that **FORTUNE** frequently changes his usernames on his Instagram accounts and suspected that **FORTUNE** had started using the account “_10GDAMOB.” The profile picture of the account “_10GDAMOB”

appears to show **FORTUNE**. The profile also states, “Off Da Radar” and “ass kids hacked my shi*.” Law enforcement observed three photos posted on the account depicting **FORTUNE** holding money. Based on this information, investigators believe **FORTUNE** began using the “_10GDAMOB” Instagram account after law enforcement tracked his previous account.

July 26, 2022 Arrest

16. On July 26, 2022, Investigators were monitoring the Instagram account “_10GDAMOB”. Investigators observed a live video had been streaming from the Instagram account. The live video showed an individual recognized as **FORTUNE** smoking a suspected marijuana cigarette, flashing two prescription bottles, and holding an AR-style pistol. **FORTUNE** can also be seen on camera with two other unknown males, one of which holds multiple firearms throughout the video. **FORTUNE** then turns the camera around to show a table display of various handguns, AR-style pistols, one handgun with an extended magazine, and United States currency fanned out in front of the firearms. While handling the firearms, **FORTUNE** and the unknown males kept their hands and fingers clear of the trigger and trigger guards. This led investigators to believe the firearms are operable and capable of expelling projectiles by means of explosion. Additionally, the two prescription bottles and one of the AR-style pistols observed on the live video associated with the Instagram account “_10GDAMOB” resemble those seized from **FORTUNE** later in the day, as described further below.

17. On July 26, 2022, at approximately 9:33 pm, PGPD officers were on patrol in the 6400 block of Pennsylvania Avenue, District Heights, Maryland. A PGPD officer observed an individual later identified as **FORTUNE** smoking marijuana on the sidewalk in front of a residence on Pennsylvania Avenue. The officer parked his vehicle in the parking lot and saw **FORTUNE** walk behind a pickup truck, crouch down behind the truck, throw an item to the

ground, and begin to walk away distancing himself from the area. The officer recognized **FORTUNE**'s actions to be the characteristics of an armed person, and exited his unmarked police cruiser to engage with him. **FORTUNE** continued to walk away, and as the officer got closer to him, **FORTUNE** started running. A foot pursuit ensued, and **FORTUNE** was apprehended a short distance later. The officer searched the area where he saw **FORTUNE** throw the item before the pursuit and located a black polymer AR-style pistol loaded with thirty rounds of .556 caliber ammunition in the magazine and one round of .556 caliber ammunition in the chamber. The officers searched **FORTUNE**'s person and recovered two pill bottles without labels containing sixteen suspected Oxycodone pills, eight of which were 5mg pills with K18 imprinted on them and eight of which were 30mg pills with M/30 imprinted on them.

18. The black AR-style pistol and two pill bottles recovered from **FORTUNE** resemble one of the firearms and the pill bottles that were displayed in the live video from Instagram account _10GDAMOB earlier that day with other firearms and United States currency fanned out.

19. **FORTUNE** was arrested and charged in the Prince George's County District Court, but subsequently released pending trial.

20. **FORTUNE** continued to be active on the Instagram account with username "_10GDAMOB" until he was arrested by the Prince George's County Sheriff's Office on an open arrest warrant on or about September 15, 2022.

Additional Investigative Steps

21. On October 13, 2022, Magistrate Judge Honorable Ajmel A. Quereshi of the United States District Court for the District of Maryland signed an order pursuant to 18 U.S.C. § 2703(d) for Instagram to provide account information related to the Instagram accounts "_10GDAMOB" and "steppadon10g__." The returns for the Order confirmed that the registered email address for

both accounts is donaldfortune1231@yahoo.com. The registration date for the user account “_10GDAMOB” was January 30, 2022. The registration date for the user account “steppadon10g__” was August 15, 2021. As of the responsive date for the records, November 2, 2022, both accounts were still active. In addition to the numerous posts from each account showing **FORTUNE** as described above, this information provides further evidence that **FORTUNE** was the account user for the “_10GDAMOB” and “steppadon10g__” Instagram accounts.

22. Investigators submitted the suspected narcotics seized during the July 26, 2022, arrest of **FORTUNE** to the PGPD Forensic Sciences Division – Drug Analysis Laboratory for testing and confirmation. The testing confirmed that both pill-types were Schedule II controlled substances. The white round pills with “K18” imprinted tested positive as Oxycodone, a Schedule II controlled substance. The blue round pills with M/30 imprinted tested positive as Fentanyl, a Schedule II controlled substance.

23. Investigators submitted the AR-style pistol seized during the July 26, 2022, arrest of **FORTUNE** to the PGPD Firearms Examination Unit for function testing. Investigators were able to confirm that the AR-style pistol seized during the July 26, 2022, arrest of **FORTUNE** was fully functioning and was successfully test fired.

Conclusion

24. Based on the facts described above, I respectfully submit that there is probable cause to believe that **FORTUNE** possessed the Oxycodone and Fentanyl pills on July 26, 2022 with the intent to distribute them. This includes the quantity of the pills, that the pills were in two different bottles and of different types, that the Fentanyl pills appeared to look like 30mg Oxycodone pills, that **FORTUNE** showed two pill bottles earlier that day on social media along with firearms and United States currency, and that these actions were consistent with prior actions

indicative of drug distribution, including **FORTUNE**'s June 2, 2022 arrest with approximately 282 pills of suspected Oxycodone pills and the observed hand-to-hand drug transaction that day.

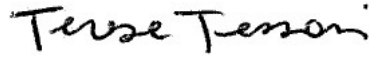
25. Further, based on the facts above, I respectfully submit that there is probable cause to believe that **FORTUNE** possessed the black polymer AR-style pistol loaded with thirty rounds of .556 caliber ammunition in the magazine and one round of .556 caliber ammunition in the chamber on July 26, 2022 in furtherance of his drug trafficking, namely, the possession with the intent to distribute Oxycodone and Fentanyl described above. This includes that **FORTUNE** possessed the firearm and pill bottles containing Oxycodone and Fentanyl together while out in the community in the 6400 block of Pennsylvania Avenue, District Heights, Maryland, that he showed two pills bottles on Instagram earlier that day along with firearms and United States currency, and based on my training, education, and experience that persons involved in narcotics trafficking use firearms to protect themselves as well as to secure their cache of narcotics and the proceeds from their narcotics trafficking and to intimidate others.

26. Therefore, based on the foregoing, I respectfully submit that there is probable cause to believe that **FORTUNE** committed the following violations of federal law:

a. **Count One:** On or about July 26, 2022, in the District of Maryland, **FORTUNE** violated 21 U.S.C. 841(a)(1)(A), (b)(1)(C) (possession with intent to distribute a controlled substance);

b. **Count Two:** On or about July 26, 2022, in the District of Maryland, **FORTUNE** violated 18 U.S.C. § 924(c) (possession of a firearm in furtherance of a drug trafficking crime).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



Special Agent Terese E. Tessari
Federal Bureau of Investigation

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 4(d) this 10th day of January, 2023.



THE HONORABLE GINA L. SIMMS
UNITED STATES MAGISTRATE JUDGE